

PRIVACY OF MEDICAL INFORMATION

Exceptions for Law Enforcement Access - (45 C.F.R. 164.512(f))

- **#1“Required by law”** - mandatory reporting laws (164.512(f)(1)(i))
- **#2: Court Order, or warrant or subpoena or summons issued by a judicial officer** (164.512(f)(1)(ii)(A))
- **#3: Grand jury subpoena** (164.512(f)(1)(ii)(B))
- **#4: Administrative subpoena, but only if they meet 3 very specific requirements!** (164.512(f)(1)(ii)(C))
 - 1. “information sought is relevant and material to a **legitimate law enforcement inquiry.**” [Translate that: only ask for information that you need for a real investigation.] **AND**
 - 2. “The request is specific and **limited in scope** to the extent reasonably practicable in light of the purpose for which the information is sought.” [Translate that: do not ask for the kitchen sink.] **AND**
 - 3. “**De-identified information could not reasonably be used.**” [Translate that: if you took the person’s name, SSN, etc off of the record, the record would be useless to me in the investigation.]
- **#5: Locate and Identify** (164.512(f)(2)); you can only request and obtain 8 types of information: name/address; date/place of birth; SSN; blood type/Rh factor; type of injury; date/time of treatment; date/time of death
- **#6: Crime on premises** (164.512(f)(5))
- **#7: Information about victim of a crime** (164.512(f)(3))
I will not use the information against the victim; law enforcement activity will be adversely and materially affected by waiting until the victim is able to agree... AND giving me the information is in the best interest of the victim, (PERSON IS INCAPACITATED OR DUE TO SOME OTHER EMERGENCY CIRCUMSTANCE)
- **#8: Emergency health care worker can report crimes/victims/perpetrators** (164.512(6))
- **#9: Victims of abuse, neglect, domestic violence** (164.512(c))
 - disclosure is required by law
 - or the individual has agreed to the disclosure
 - or expressly authorized by law and the disclosure is necessary to prevent serious harm to someone
 - or authorized by law and the law enforcement agency represents that the information will not be used against the individual **and** law enforcement activity depends on the disclosure and would be materially and adversely affected by waiting until the individual is able to agree
- **#10: Disclosure (to) coroners** (164.512(g))
- **#11: To avert serious threat to health/safety** (164.512(j))
- **#12: National security and intelligence**
- **#13: Protective services for the President and others**
- **#14: Jails, prisons, law enforcement custody.**

Want to stop provider from telling patients that you have their medical information? 1) make an oral request that the provider not disclose; 2) follow up with a written request within 30 days.

Remember to show your badge, and if possible, make your requests in writing, on official letterhead.